

Amendment A
Application. No. 10/719,864
Page 4 of 7

REMARKS/ARGUMENTS

Four claims remain pending in the application: Claims 1-3 and 14. Claims 1-3 and 14 have been amended herein. Support for the substantive amendments may be found at least at the last paragraph on page 6 and continuing to page 7 as well as the last paragraph on page 20 and continuing to page 21 of the application as originally filed.

Claim Rejections - 35 U.S.C. § 102(a)

1. Claims 1-3 and 14 stand rejected under 35 U.S.C. § 102(a), as being anticipated by U.S. Patent No. 5,681,350 to Stovall.

Each of claims 1-3 and 14 have been amended to specify that the mass coupled to the foot area is solid. The solid mass claimed in the present application is different than the permeable prosthesis disclosed by the '350 patent.

The air and water permeable prosthesis of the '350 patent "replaces the hoof wall which has been traumatically removed or therapeutically debrided."¹ As one of ordinary skill in the art appreciates, debridement is a surgical procedure performed only on animals significantly affected with hoof disease or trauma. As such, the '350 patent explains that the prosthesis is permeable for "allowing oxygen and medication to reach the affected structures of the foot."²

Alternatively, the claims in the present application are limited to solid material. The solid mass is used as a prophylactic on the hoof to prevent damage. As such, the

¹ See Column 1, lines 5-10 of the '350 patent

² See Column 1, lines 9-11 of the '350 patent

Amendment A
Application. No. 10/719,864
Page 5 of 7

solid mass is applied to generally healthy hooves as opposed to significantly injured or damaged hooves. Because the solid mass of the present application may be applied to generally healthy hooves, the material is not permeable to allow the passage of air and medicaments.

Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(a) be withdrawn because each and every limitation of the '350 patent is not taught in the pending claims. Specifically, the '350 patent does not teach the use of a solid mass.

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

2. Claims 2, 3, and 14 stand rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Specifically, the Examiner has indicated that in claim 2, line 8, "said horseshoe mass" lacks a prior antecedent basis; in lines 9, 10, "said final intended horseshoe shape" lacks a prior antecedent basis; in claim 3, lines 6, 7, the phrase "said shoe area surface adhering relation" is unclear; in lines 10, 11, "said final intended shoe shape" lacks a prior antecedent basis; and in claim 14, lines 2, 3, the phrase "on the hoof from horseshoe" is unclear.

With regard to claim 2, line 8, Applicant has stricken the word -horseshoe- from the phrase "said horseshoe mass" as "said mass" does have antecedent basis at line 4 of claim 2. At lines 9,10 of claim 2, Applicant has stricken the words -final- and -horseshoe- from the phrase "said final intended horseshoe shape" as "said intended shape" has antecedent basis

Amendment A
Application. No. 10/719,864
Page 6 of 7

at line 2 of claim 2.

With regard to claim 3, lines 6 and 7, Applicant has stricken the words -surface adhering relation- to clarify the claim. At lines 10 and 11 of claim 3, Applicant has stricken the words -final- and -shoe- from the phrase "said final intended shoe shape" as "said intended shape" has antecedent basis at line 2 of claim 3.

With regard to claim 14, lines 2 and 3, Applicant has added the article "a" to the phrase "on the hoof from a horseshoe" to clarify the claim.

Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn as each of the Examiner's issues have been addressed by the amendments herein.

Objection Claims 1, 3, and 14

3. Claims 1, 3, and 14 are objected to by the Examiner for various informalities.

Specifically, the Examiner has indicated that in claim 1, line 3 the article -a- should be inserted before "horse"; claim 3 must end with a period; in claim 14, line 2, the second occurrence of "a" should be changed to -an-. Applicant has made the corrections as required by the Examiner; therefore, it is requested that the Examiner withdraw the objection to claims 1, 3, and 14.

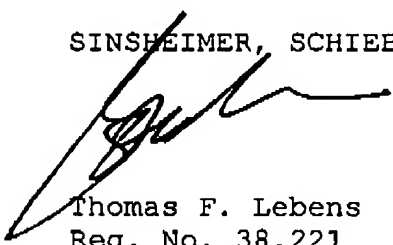
Amendment A
Application. No. 10/719,864
Page 7 of 7

CONCLUSION

By way of this amendment, Applicant has made a diligent effort to address the rejection and objections raised by the Examiner. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas Lebens at (805)781-2865 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

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